

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

CP02-069. Condition Use Permit for a 3,550 square foot addition to an existing 7,100 square foot church located on the south side of Yerba Bueana Road approximately 500 feet westerly of San Felipe Road (2750 Yerba Bueana Road) (Evergreen Valley Church, Owner/Developer) Council District: 08

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **March 25, 2003**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **March 6, 2003** and ends on **March 25, 2003**.

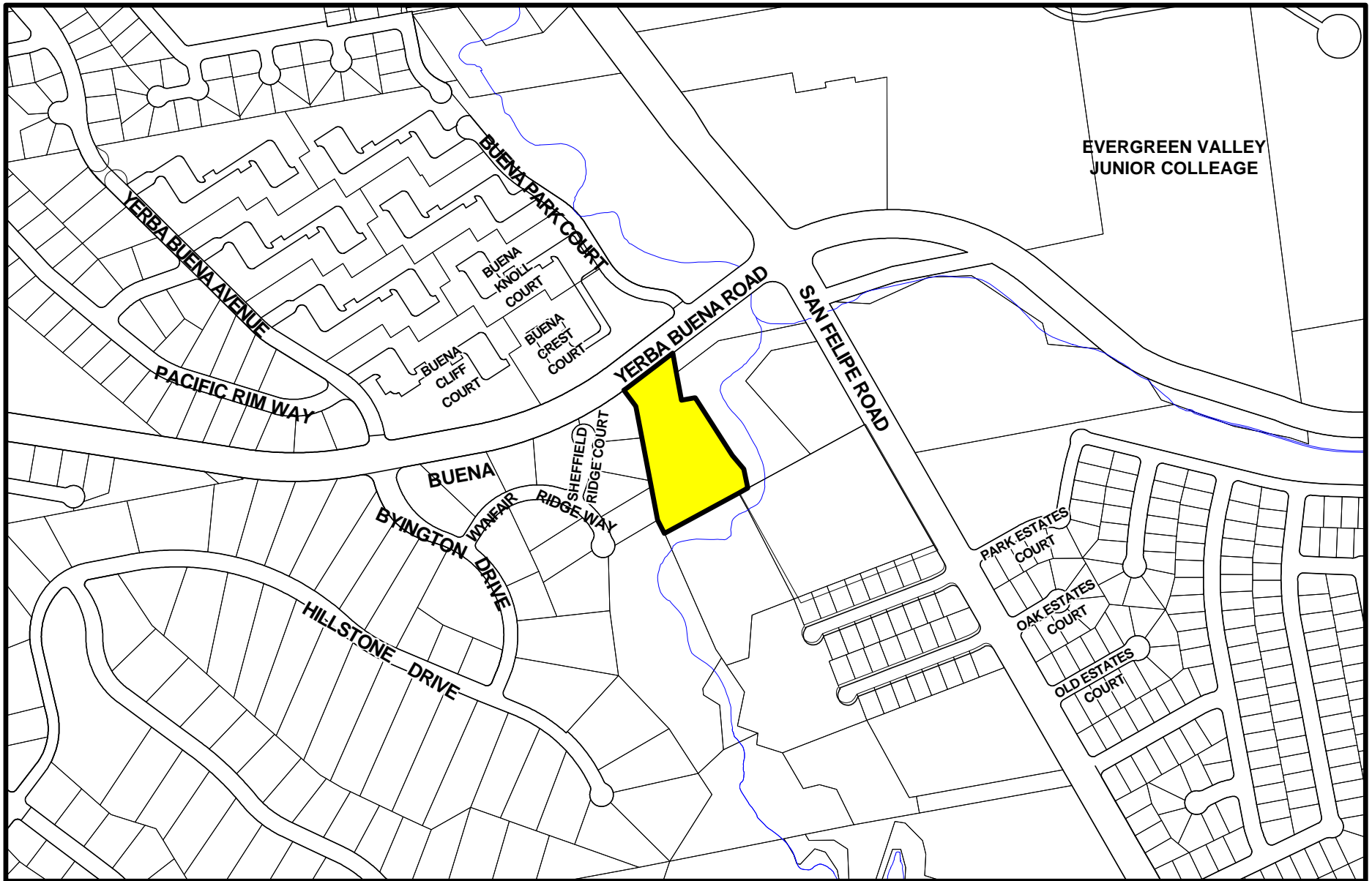
A public hearing on the project described above is tentatively scheduled for **March 26, 2003 at 6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 180 W. San Carlos Street, and the Evergreen Branch Library, 2635 Aborn Road, San Jose and online at www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **John W. Baty** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: March 5, 2003

MNDPN/JL/10-23-02

Deputy



Scale: 1"=500'

File No: CP02-069

District: 08

Quad No: 101

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Evergreen Valley Church

PROJECT FILE NUMBER: CP02-069

PROJECT DESCRIPTION: 3,550 square foot addition to an existing 7,100 square foot church.

PROJECT LOCATION & ASSESSORS PARCEL NO.: South side of Yerba Buena Road approximately 500 feet westerly of San Felipe Road (2750 Yerba Buena Road) 680-02-003; -004

COUNCIL DISTRICT: 08

NAME OF APPLICANT: Evergreen Valley Church

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON: 2750 Yerba Buena Road, San José, CA 95121. (408) 223-2091 David Deardorf.

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

1. **Air Quality:** During construction, the following measures shall be incorporated to mitigate any possible significant air quality impacts.
 - Water all active construction areas at least twice daily
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.

- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
2. **Archaeology:** Pursuant to Section 7050.5 of the Health and Safety Code, and section 5097-94 of the Public Resources Code of the State of California; in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonable suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to State Law, then the applicant shall re-enter the human remains and items associated with native American burials on property in a location not subject to further subsurface disturbance.
 3. **Geology:** Standard engineering and construction techniques will be incorporated into the project to mitigate potential adverse seismic/ground failure impacts to a non-significant level.
 4. **Water Quality:** The project shall incorporate mitigation measures to minimize urban run-off. The mitigation measures include a storm water run-off management plan for construction activities to the satisfaction of the Department of Public Works, and compliance with all applicable City, Local, Regional, State and Federal laws. The project shall conform to the City of San Jose National Pollution Discharge Elimination System (NPDES) Storm Water Permit and shall include Best Management Practices (BMPs) as specified in the *Blueprint for a Clean Bay* to control the discharge of storm water pollutants including sediments associated with construction activities. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City project Engineer. The Erosion Control Plan may include BMPs as specified by the Association of Bay Area Governments' Manual of Standards Erosion & Sediment Control Measures for reducing impacts on the City's storm drainage system from construction activities. For above, please call the Department of Public Works at (408) 277-5161.
 5. **Noise:** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work for the project. All construction equipment, fixed or mobile, should be in proper operating condition and fitted with standard factory silencing features. Mufflers shall be used on all heavy construction equipment.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Wednesday March 25, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: March 5, 2003

Deputy

Adopted on: _____

Deputy

PUBLIC HEARING NOTICE

The Planning Commission of the City of San Jose will hold a public hearing on **Wednesday, March 26, 2003**. This public hearing will be held in accordance with Title 20 of the San Jose Municipal Code. The public hearing is to be in the City Council Chambers, on the second floor of City Hall, at 801 North First Street, San Jose, California, at **6:00 p.m.** or as soon thereafter as this item can be heard. You are welcome to attend and to speak on this issue. If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.

The decision of the Planning Commission may be appealed in accordance with the requirements of the San Jose Municipal Code. Instructions for filing an appeal are available from the Department of Planning, Building and Code Enforcement.

The project being considered is:

CP02-069. Conditional Use Permit to construct 3,550 square foot classroom addition to an existing church on a 2.88 gross acre site in the A Agricultural Zoning District, located at/on the south side of Yerba Buena Road approximately 500 feet westerly of San Felipe Road (2750 YERBA BUENA RD) (EVERGREEN VALLEY CHURCH , Owner). Council District 8. CEQA: Mitigated Negative Declaration.

Reports, drawings, and documents for this project are on file and available for review 9:00 a.m. to 5:00 p.m., Monday through Friday at:

Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San Jose, CA 95110
(408) 277-4576

www.ci.san-jose.ca.us/planning/sjplan/

A staff report with recommendations will be available for your review during the week of the Public Hearing at the Department of Planning, Building and Code Enforcement.

To arrange an accommodation under the Americans With Disabilities Act to participate in this public meeting, please call (408) 277-4576 (VOICE) at least 48 hours before the meeting.

Comments and questions are welcome and should be referred to the Project Manager, **John W. Baty**, of the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project. For your convenience, contact Linda LaCount at the above telephone number the week of the public hearing to verify that this item will be heard and is not scheduled for deferral to a later date.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Mike Enderby, Senior Planner
Dated: March 05, 2003
Noticing Radius: 500 ft